

Open Minutes
Missouri State Committee of Interpreters
September 29, 2000 – 1:30 p. m.
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri

The call originally scheduled for 1:30 p.m. was postponed until 2:00 p.m. to allow the state committee to convene with a quorum and conduct business.

At 2:16 p.m., the Missouri State Committee of Interpreters convened by telephone conference call at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. Kimberly McEnulty, Chairperson requested Betty Kramer serve as chairperson as Ms. McEnulty did not have her agenda materials with her. Therefore, Betty Kramer, Secretary called the meeting to order and Loree Kessler, Executive Director facilitated roll call.

State Committee Members Present

Kimberly McEnulty, Chairperson

Betty Kramer, Public Member and Secretary (serving as chairperson for this meeting)

Sandy Drummond

Loretto Durham (joined the call at 2:25 p.m. Exited the call at 2:53 p.m. and rejoined at 2:55 p.m. Exited the call at 3:07 p.m. and rejoined the call 3:10 p.m.) Ms. Durham was present for all motions and votes of the state committee.

Carrie McCray

Staff Present

Loree Kessler, Executive Director

Patty Herzing, Licensure Technician

Mark Schoon, Assistant Attorney General

Ms. McEnulty and Ms. Kramer voted in open and closed sessions.

A motion was made by Ms. Drummond and seconded by Ms. McEnulty to approve the open session agenda adding a discussion regarding mentorships. Motion carried unanimously.

A motion was made by Ms. Drummond and seconded by Ms. McEnulty to approve the open session minutes of the August 8, 2000 meeting. Motion carried unanimously.

Letter to Deaf Interlink

The executive director explained this letter had been sent and no response was received. No official action was needed; however, the executive director wanted to inform the state committee that the information sent by Deaf Interlink referenced a change in the interpreter law and/or rules.

August 24, 200 Meeting at Missouri Commission for the Deaf

The state committee was provided the list of topics discussed at the August 24 meeting. The document is included with the open session minutes for reference purposes. Reference will be made to each item number on the document.

Item 1 - Administration of certification examination for graduates of interpreter training programs.

The state committee can license individuals that successfully complete the certification exam via mail ballot in a little as 48 hours from receipt of the application and fee. No official action by the state committee.

Item 2 - Temporary License

It was requested that MCD/BCI develop a list of acceptable certifying entities and states with certification, licensure or registration. This list would be used by the state committee in verifying acceptable certification for licensure and thereby expedite the issuance of temporary license. The executive director was instructed to send a letter to Dr. Miller requesting this list be developed and forwarded to the state committee.

The state committee discussed the temporary license fee and considering the time frame that the temporary license is valid, recommended a fee reduction. A motion was made by Ms. Drummond and seconded by Ms. Durham to reduce the fee for temporary licensure application to \$25. Motion carried unanimously. The executive director was instructed to include this fee reduction in the amendments to the state committee regulations filed with the division.

Item 3 - Provisional and Apprentice Certification

The state committee noted that changing these levels to permanent levels would not have an impact upon licensure.

Item 4 - Adverse Action Regarding a Certification

Because the certification statute references the language "suspend, deny, or revoke" it was recommended the change in the code of ethics reflect the same language. A motion was made by Ms. Drummond and seconded by Ms. Durham to amend the proposed rule to read as follows, *An interpreter shall not practice interpreting as defined in section 209.285(3) RSMo upon the lapse, expiration, suspension, or revocation of a certification.* Motion carried unanimously.

Item 5 - Temporary Restricted Permits in Education

The commission is considering a name change and clarifying the criterion for the current TRPED to Temporary Restricted Certification in Education. Ms. Drummond noted the TRPED would be issued to only certified interpreters that were level 1 or 2. This would not have an impact upon licensure.

Item 6 - Certification Maintenance

This item was covered in the discussion of item 4. CEUs do not have an impact upon the renewal of a license.

A motion was made by Ms. Drummond and seconded by Ms. Durham to table Items 7, 8, and 9 were tabled until the next state committee meeting. Motion carried unanimously.

Upcoming Presentations

- October 21, 2000 St. Louis Forum - Ms. Drummond, Ms. Durham and Ms. McCray will attend the forum and provide a presentation on the complaint process. Ms. Drummond explained that Deb Nathanson with the MCD staff might participate. However, that was uncertain at this time.
- October 28, 2000 3:30 p.m. - Presentation at State Interpreters Convention. The executive director is to draft an outline of information to be presented and it will be sent to the state committee members for review and revision. The state committee will address the rule changes concerning the code of ethics and the executive director will provide the information regarding the increase in the renewal fee.

Meeting Schedule

The state committee requested a meeting be scheduled for October 28, 2000 during the interpreter's convention. The purpose of the meeting is to address remaining topics of discussion from the August 24, 2000 meeting with Dr. Miller, review complaints and any new applications for licensure. Additionally, the discussion concerning mentorships added to the September 29th agenda can be addressed with the comments regarding the August 24th meeting with Dr. Miller.

Ms. Drummond explained that a meeting had been scheduled with Ms. Nathanson for September 22, 2000 to go over how the state committee receives and processes complaints. This meeting was cancelled at the request of the commission office and is to be rescheduled. Ms. Drummond further explained that she had sent an email to the commission office to clarify the purpose for this type of training.

At 3:25 p.m., a motion was made by Ms. Drummond and seconded by Ms. Durham to convene in closed session pursuant to motions to close section 610.021 subsection (14) and 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and applicants for licensure and/or other information pertaining to the licensee or applicant and, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings. State committee members voting aye; Ms. McEnulty, Ms. Drummond, Ms. Durham, Ms. McCray, and Ms. Kramer. Motion carried unanimously.

Ms. McEnulty exited the call at 3:26 p.m. and returned to the call at 3:27 p.m.

At 3:39 p.m., a motion was made by Ms. Drummond and seconded by Ms. McCray to convene in open session. State committee members voting aye; Ms. McEnulty, Ms. Drummond, Ms. Durham, Ms. McCray, and Ms. Kramer. Motion carried unanimously.

At 3:40 p.m., a motion was made by Ms. McCray and seconded by Ms. Durham to adjourn the meeting. Motion carried unanimously.

Approved by State Committee on October 29, 2000

Executive Director

QUESTIONS TO BE DISCUSSED WITH THE STATE COMMITTEE AND COUNSELS CONCERNING MICS/COMMITTEE RULES

1. MCD is going to establish as a priority activities which will clearly expand the pool of certified/licensed working interpreters in the State of Missouri. Thus, MCD is considering *making* special arrangements to test and evaluate new graduates of Interpreter Training Programs as soon as possible after their graduation date. In making this decision, it would help if MCD was sure that new ITP graduates could also quickly get licensed. So, MCD needs to know if ITP students can apply for a license before the date of their graduation, so that all of the paper work is done and simply waiting for their certification results?

It would be helpful if after the evaluation is administered, MCD would provide an application packet to the individual being tested.

2. MCD would like to ensure that interpreters from out of state who are not certified in the MICS could come into Missouri and work for a couple of days at an important national convention, or come into Missouri and work for a relatively short period of time while they are *awaiting* results of their MICS certification evaluation. This seemingly could be accomplished by the State Committee giving them a "Temporary License" in accordance with RSMo 209.326. Is the State Committee prepared to issue temporary licenses? If so, what is the "appropriate fee" for temporary licenses? RSMo 209.326 indicates that a temporary license may be issued to "Any person who holds a valid unrevoked and unexpired license or certification as an interpreter issued by a state or organization other than this state *and recognized by the committee and concurrently by the Missouri commission for the deaf...*" (Italics mine) Does the State Committee currently "recognize" any such organizations, in particular, RID and NAD? If not, what would it take to get such organizations recognized? In addition, there seems to be a problem in that MCD doesn't "recognize" any other certifications. They have to go through "conversion." How can we solve this problem?

It is recommended that MCD/BCI develop a list of acceptable certifying entities and states and share that list with the state committee office to facilitate the issuance of a temporary license. This would expedite the review process of an application and reduce the cost.

It was noted that the BCI has been working on the RID certification requirements in comparison to Missouri requirements for certification purposes. The standards used for conversion for certification purposes could be different than the standards used for temporary licensure.

It was requested that the state committee reduce the fee for temporary licensure to \$20 or between \$20 and \$30. The amendments to be filed to the committee rules will reflect a reduce fee of \$25. The fee rule would be amended as follows,

“(D) Temporary License Fee \$ [60.00] 25.00”

3. MCD is considering making all certifications either "permanent" or "renewable" and eliminating the one-year and two-year certifications and their extensions. How would this affect the licensing process if we were to do that?

A permanent certification of provisional or apprentice will help the licensure committee, because it would not have to determine if the certification will expired and is subject to an extension.

The state committee is proceeding with filing an amendment to the regulations that requires an interpreter maintain current certification. This rule allows the state committee to proceed with a revocation of a license because an interpreter is not certified.

4. RSMo 209.317 gives the Board for Certification of Interpreters the authority to "suspend, deny, or revoke" an interpreters certification. Yet the State Committee's proposed rule (4 CSR 232-3.010) refers to "lapse or expiration" of a certification. Furthermore, the State Committee's proposed rule (4 CSR 232-3.010(2)) refers to a "current" certification. And the MCD rule (5 CSR 100-200.130) states that a certification will become "invalid" if the required Certification Maintenance units are not earned and properly submitted. And 5 CSR 100-200.040 refers to a certification being "withdrawn." Does the MCD and State Committee need to change any of these various wordings to ensure that things are clear? (And that our rules are in harmony with the law!)

The state committee will include the words, expired, suspend and revoked in its amendment to the regulations. The proposed rule would read as follows, "An interpreter shall not practice interpreting as defined in section 209.285(3) RSMo upon the lapse, expiration, suspension, or revocation of a certification."

5. MCD is considering changing 5 CSR 100-200.040 such that a Temporary Restricted Permit (Certification) in Education would not be issued to a school district, but rather would be issued to an individual interpreter upon joint application of the interpreter and the school district. Would this cause any problems or solve any problems for the State Committee?

It is recommended the permit be changed to a Temporary Restricted Certification in Education. There should be no problems or effect upon licensure. However when the requisite skill level goes into effect in 2003 requiring a specific level of interpreter for the school district, MCD may need to address the level 1 and 2 interpreters that may apply for this temporary certification.

6. MCD is considering eliminating 5 CSR 100-200.090, and thus completely end the issuance of Temporary Permits/Certification (other than the Temporary Restricted Permit (Certification) in Education). From the perspective of the State Committee, would this cause any problems? Would this solve any problems?

No problems noted

7. MCD needs to be sure what role, if any, Certification Maintenance plays in the activities and or requirements of the State Committee. In particular, 5 CSR 100-200.130 refers to "requirements for certification maintenance and eligibility for annual licensure" in several places. Is it a correct understanding that the State Committee has absolutely no Certification Maintenance requirements *directly* related to licensure? But rather that Certification Maintenance is only an *indirect* bar to license renewal because it results in an "invalid" certification?

This is covered in item number 4.

8. MCD is considering major revision or elimination of 5 CSR 100-200.175 concerning "Mentorship." Does the State Committee foresee any unfair, awkward, or impossible discipline situations arising from that rule starting in 2003. For example, if a consumer filed a complaint against a mentee for providing "unqualified" interpreting services would the mentee be able to use the defense that they were working in a mentorship relationship? Or, given that the mentor is "responsible" for communications within the interpreting assignment, would you be able to discipline a mentor for the unqualified services delivered by a mentee?

The state committee does not have the authority to regulate the area of mentorship. However, it is a concern for MCD and BCI as mentorships are one way for interpreters to increase and enhance their skill level.

9. Law (RSMo 209.285(15)) says a person is "interpreting" if they are doing a variety of things, including "oral" and "tactile sign." Law (RSMo 209.321(1)) says that no one shall "practice interpreting as defined in section 209.285 in the state of Missouri unless he is licensed." Rule (5 CSR 100-200.200) says that a person is "exempt" from 209.285 if they are doing "oral interpreting" or "tactile sign" "until such time as an evaluation can be implemented by the Board." Thus the law says that if a person is doing oral interpreting or tactile sign they must have a license, but a rule says they are exempt. It is my understanding that whenever a rule conflicts with the law the rule is null and void. That means that any person now doing either oral interpreting or tactile sign in Missouri without a license is violating the law. Is this interpretation correct from the perspective of the State Committee and counsel? And if so' what can we do to rectify the problem?

This is difficult to address because there is no certification available for these areas. It was noted that an interpreter might combine oral interpreting and/or tactile sign (both exempt from certification) with finger spelling, ASL etc. In those instances when that combination does occur certification and licensure is required for that interpreter.